

REMARKS

Claims 1-3, 5, 7-19, 21-31, 33-43, and 45 are pending in the present application of which claims 1, 15, 29, 41, and 45 are independent.

Claims 1-3, 5, 7-19, 21-31, 33-43, and 45 stand rejected.

The independent claims have been amended herein to clarify the claimed invention. Figs. 3a, 3b and 4 show example embodiments where subsequent frames include an indicator and are transmitted without the second set of criteria. This is described in the specification sections associated with Figs. 3a, 3b and 4, for example see paragraphs 29-34. This clarification has been included in claim 1, for example, as “without transmitting said second set of criteria.” Claims 25, 29, 41, 45 have been amended to include a similar clarification.

No new matter is entered.

In the final Office Action claims 1-3, 5, 7, 8, 12-19, 21, 22, 26-31, 33-36, 40-43, and 45 are rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over Li (previously cited). Claims 9-11, 23-25, and 37-39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li in view of Hsieh et al. (previously cited, hereinafter “Hsieh”).

Applicant respectfully traverses the above rejections for at least the reasons set forth below.

REJECTION UNDER 35 U.S.C. § 102

In the final Office Action, paragraphs 2 and 5, the “priority identifiers” of Li are argued as being equivalent to applicant’s claimed “indicator.” In addition an enhanced bit stream is being equated to the claimed “set of criteria.”

It is unclear to applicant what is meant in the Office Action, top of page 3 and page 6, by “since the priority of enhancement layer 1 (first set of criteria) of an enhancement layer as taught by Li for example (see column 5, lines 41-56) will be the same as the priority of enhancement layer bitstream 1 of every succeeding enhancement layer (second set of criteria).” Every succeeding enhancement layer of Li has a different priority level as taught by Li in col. 5, lines 46-56. Therefore, it is unclear how a succeeding enhancement layer that has a different priority than enhancement layer bitstream 1 would have the same indicator as the bitstream 1.

Nevertheless, each bitstream of Li is prioritized and transmitted according to their priority. If enhancement bitstream 1 has priority 1 and the subsequent frame of bitstream 1 has the same priority 1, then it seems the Office Action is arguing that both frames have the same criteria (being bitstream 1) with the indicator being the priority; however, in Li the subsequent frame of bitstream 1 is still transmitted.

In contrast applicant claims, in claim 1 for example, “transmitting an indicator that causes said first set of criteria to be used for a subsequent one of said frames if a second set of criteria for the subsequent one of said frames is substantially the same as said first set of criteria, without transmitting said second set of criteria.”

Although the transmission priority for bitstreams is specified, the system of Li does not withhold transmission of a bitstream when an indicator (priority in Li) of the bitstream is substantially the same as the enhancement layer bitstream of a previous frame.

Consequently, Applicant respectfully submits that Li does not disclose, teach, or suggest transmitting an indicator that causes said first set of criteria to be used for a subsequent one of said frames if a second set of criteria for the subsequent one of said frames is substantially the

same as said first set of criteria, without transmitting said second set of criteria, as recited in claim 1. Claims 2-3, 5, 7, 8, and 12-14 depend from allowable claim 1 and are allowable over Li at least by virtue of their dependencies and each claim's further distinguishing features.

Independent claims 15, 29, and 45, although different from claim 1, include similar features which are not disclosed in Li and are likewise allowable. Claims 16-19, 21, 22, and 26-28 depend from allowable claim 15; claims 30, 31, 33-36, and 40 depend from allowable claim 29; claims 42 and 43 depend from allowable claim 41. Each dependent claim is allowable over Li at least by virtue of their dependencies and each claim's further distinguishing features.

For at least the forgoing reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects claims 9-11, 23-25, and 37-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li in view of Hsieh. Applicant respectfully traverses this rejection because Hsieh fails to overcome the deficiencies in Li described above. Therefore, the combination of references fails to disclose, teach, or suggest at least the features pointed out above.

Each of the respective dependent claims 9-11, 23-25, 37-39 are allowable based at least on their dependence from an allowable independent claim and each claim's further distinguishing features.

For at least the forgoing reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Applicant respectfully submits the application is in condition for allowance, however should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney to resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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